



Washington, D.C. 20505

OGC 82-00375

82-2120/1

18 JAN 1982

Honorable William P. Clark
Assistant to the President
for National Security Affairs
345 Old Executive Building
17th and Pennsylvania Avenue
Washington, DC 20506

Re: Executive Order on Classification

Dear Mr. Clark:

In response to Edwin Meese's 23 December 1981 letter, set forth below are the Agency's comments on the draft revision of Executive Order 12065. Each of these comments is keyed to the section and page numbers of the draft order attached to the 23 December 1981 letter.

With respect to these proposed changes, I think that it is particularly necessary to include a definition of "cryptology" in the Order which accurately reflects the current Intelligence Community understanding as to the respective responsibilities of the Director of Central Intelligence (DCI) and the Secretary of Defense. By the terms of this understanding, the DCI is responsible for signals intelligence (SIGINT) and SIGINT security policy and the Secretary of Defense is responsible for communications security (COMSEC) matters. "Cryptology," as presently defined in the Intelligence Community Glossary, includes both SIGINT and COMSEC. The definition of "cryptology" suggested herein would limit that term for purposes of this Order to "cryptography and communications security" and would thus accord with the current understanding of DCI and Secretary of Defense responsibilities in this area.

Overall, I think the draft revision is a significant improvement over the existing order on classification. I support wholeheartedly the greater emphasis that has been placed in this draft on the protection of national security information, and the elimination of many of the burdensome and unnecessary requirements of current Executive Order 12065.

Sincerely,

/s/ William J. Casey

William J. Casey
Director of Central Intelligence

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OGC 82400372

18 January 1982

82-2180
OIS Registry
82-0012

MEMORANDUM FOR: Director of Central Intelligence

THROUGH: Deputy Director of Central Intelligence

FROM: Deputy General Counsel

SUBJECT: Executive Order 12065

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1. Attached at Tab A is a letter for your signature to the Assistant to the President for National Security Affairs forwarding the Agency's comments concerning the proposed revision of the previous Administration's Executive Order on Classification. Mr. Meese has specifically requested that these comments be provided to Judge Clark by 18 January 1982.

2. Attached at Tab B is a draft of a proposed revised classification Executive Order which is currently circulating for comment among concerned departments and agencies. This draft, to a large extent, reflects the product of the Intelligence Community working group which I chaired. I believe it represents a significant improvement over the previous classification Executive Order. We must anticipate, however, that this Order may cause considerable controversy. Judge Clark intends to "consult" with the Congress before submitting the Order to the President.

3. Significant changes from the previous classification Order include the following:

a. This Order eliminates the so-called balancing test in the previous Order which required that, under certain circumstances, a public interest could outweigh the need to withhold information;

b. The new order eliminates the systematic review provisions in the old Order which required that all classified information be reviewed after 20 years;

c. This order eliminates the requirement for automatic declassification after certain time has elapsed.

d. It reduces the authorities of the Information Security Oversight Office (ISOO); and

e. In general, the new order greatly reduces the wasteful bureaucratic requirements of the old order and sets a tone which favors classification as against public disclosure.



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Attachments